



**US Army Corps
of Engineers**

Omaha District

PUBLIC NOTICE

Application No: 200190368
Applicant: U.S. Army Corps of Engineers
Waterway: Fort Peck Lake
Issue Date: July 11, 2001
Expiration Date: August 10, 2001

30 DAY NOTICE

REPLY TO:
Helena Regulatory Office
U.S. Army Corps of Engineers
301 South Park
Drawer 10014
Helena, Montana 59626-0014

**JOINT PUBLIC NOTICE
FOR PERMIT APPLICATION SUBMITTED TO
U.S. ARMY CORPS OF ENGINEERS
AND
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

Under the provisions of Federal regulations 33 CFR 335-337 and instructions from the Office, Chief of Engineers, Washington D.C., relative to Federal projects involving the discharge of dredged or fill material in waters of the United States, notice is hereby issued to advise interested parties of the proposed construction of a rock breakwater on Fort Peck Lake at Crooked Creek in Petroleum County, Montana.

Sections 313 and 404 of the Clean Water Act (33 USC 1323 and 1344) require each agency of the Federal Government engaged in any activity resulting in, or which may result in the discharge or runoff of pollutants, to comply with Federal, State, or interstate and local requirements respecting the control and abatement of water pollution to the same extent as any person or entity is subject to such requirements. In accordance with 33 CFR 335-337, activities involving the discharge of dredged or fill material to be performed by the Corps of Engineers will be subject to public review procedures that are followed in processing applications for Section 404 permits.

Description of Proposed Project: The Corps of Engineers requests permission to place approximately 1300 cubic yards of clean fieldstone in the construction of a breakwater. Drawings showing the location and extent of the project are attached to this notice.

Location: The proposed activity is located in the SW1/4 of Section 6, Township 19 North, Range 30 East, Petroleum County, Montana.

Purpose: The purpose of the proposed project is to provide protection for boats either loading or unloading from the prevailing winds at the Crooked Creek boat ramp.

Background: Because of very low snow runoff at higher elevations, the boat ramp is currently 1/2 mile from Fort Peck Lake. The fieldstone has been purchased by Walleyes Unlimited from private lands. Walleyes Unlimited is donating the rock for the construction of the breakwater.

401 Water Quality Certification: The Montana Department of Environmental Quality, 1520 East 6th Avenue, PO Box 200901, Helena, Montana 59620-0901, will review the proposed project with the intent to certify in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The Montana Department of Environmental Quality hereby incorporates this public notice as its own public notice and procedures by reference thereto.

Cultural Resources: The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966, as amended. We have checked the National Register of Historic Places and its current supplements, and there are no known National Register sites in the vicinity; however, we will evaluate input by the State Historic Preservation Office and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic or prehistoric properties, if warranted.

Threatened / Endangered Species: This project is in the known range of the threatened **Bald Eagle, *Haliaeetus leucocephalus***, the endangered **Pallid Sturgeon, *Scaphirhynchus albus***, and the **Black-footed Ferret, *Mustela nigripes***. In compliance with the Endangered Species Act, a preliminary "no-affect" determination has been made. Coordination with the U.S. Fish and Wildlife Service and other interested agencies will be completed to determine the effects on these species or their critical habitat.

Evaluation Factors: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R.; Part 230).

Comments: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. All public notice comments will be considered public information and will be subject to review by the applicant.

Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and what additional information would be obtained. The request must be submitted to the U.S. Army Corps of Engineers, 301 South Park, Drawer 10014, Helena, Montana 59626-0014. If it is decided that additional information is

required and that a public hearing should be held, interested parties will be notified of the date, time and location.

Any interested party (particularly officials of any town, city, county, state, or Federal agency; Indian tribe; or local association whose interests may be affected by the work) is invited to submit to this office written facts, arguments, or objections on or before the expiration date listed on the front of this notice. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this application. All replies to the public notice should be addressed to the **U.S. Army Corps of Engineers, 301 South Park, Drawer 10014, Helena, Montana 59626-0014. Please reference the Application Number found on the first page of this notice in any correspondence.** Mr. Robert McNerney, telephone number (406) 441-1375, may be contacted for additional information. You may also fax your comments to (406) 441-1380 or e-mail them to Robert. E. McNerney@usace.army.mil.

Comments postmarked after the expiration date of this public notice will not be considered.

Statutory Authorities: A permit, if issued, will be under the provisions of Section 404 of the Clean Water Act.

JUN 28 2001

OMAHA DISTRICT

COMPUTATION SHEET

CORPS OF ENGINEERS

PROJECT *Crooked Creek*

SHEET NO. *2*

OF *2*

ITEM *Break water*

BY *[Signature]*

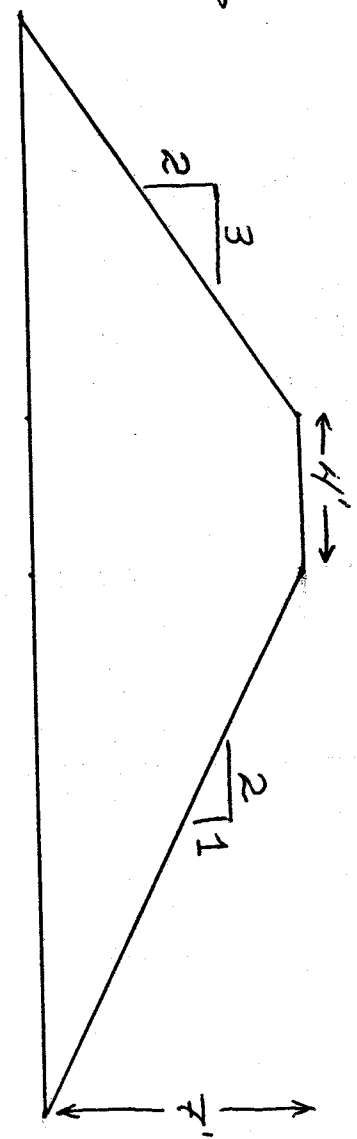
DATE *25/6/01*

CHKD. BY

DATE

*Boat
Ramp
Side*

*Typical
Cross-Section*

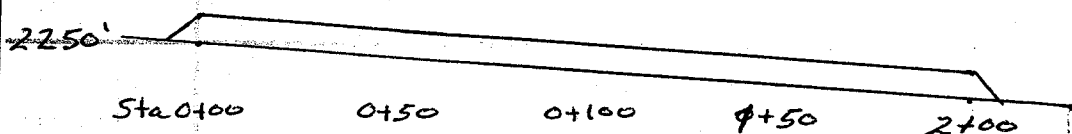


Scale 1" = 5'

JUN 28 2001

OMAHA DISTRICT		COMPUTATION SHEET		CORPS OF ENGINEERS	
PROJECT <i>Crooked Creek</i>		SHEET NO. <i>10</i>		OF <i>2</i>	
ITEM <i>Breakwater</i>		BY <i>SLC</i>		DATE <i>25/6/01</i>	
		CHKD. BY		DATE	

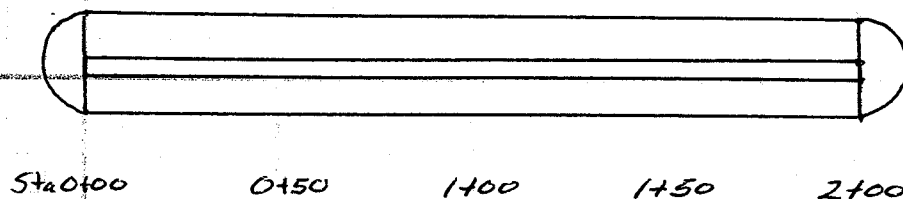
Elevation



Scale

1" V = 50'
1" H = 50'

Plan View



Scale 1" = 50'

